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## **Zoning Reform Phase 1 – Advisory Group Meeting Notes**

*The Zoning Reform Advisory Group is a diverse body of professionals whose daily jobs require them to frequently use the Newton Zoning Ordinance and/or are affected by it. Meetings of this group are publicly posted on the Zoning Reform website at the link below and via other channels and are open to the public, who will have an opportunity to comment at the end of every meeting. The purpose of the advisory group is to share their perspectives and opinions on the existing zoning ordinance and proposed changes with Planning Department staff and the zoning reform consultant. The Zoning Reform Phase 1 project will encompass changes to the existing zoning ordinance to make it a more useable document including reorganizing the sections of the ordinance, illustrating requirements, and incorporating tables.*

<http://www.newtonma.gov/gov/planning/lrplan/zoning/zoningref.asp>

### **Meeting Notes – April 8, 2013**

James Freas, Chief Planner for Long Range Planning started the meeting by introducing Lee Einsweiler from Code Studio and Joel Russell, the authors of the Zoning Assessment and stated the purpose of the meeting, which was to review and discuss the Zoning Ordinance Assessment. Mr Einsweiler proceeded to present each chapter of the assessment, allowing for questions and discussion. The notes below are divided by chapter consistent with this presentation. These notes also include brief summaries of written comments submitted by advisory group members who were not present for the meeting.

#### **Chapter 2: Organization & Format**

- There was discussion of the inter-related issues of ordinance format, the program used to create and maintain the code, and the nature of a web-based version. There was consensus that the formatting or numbering of the existing City Code should not be a constraint to that of the Zoning Ordinance and therefore, if that is an issue, the zoning ordinance should be separated.
- While there was general support for the idea of using In-Design software to facilitate the ability to lay-out and maintain the ordinance, there was concern that this software would not lend itself to future, more web-based ordinances, especially considering the potential to create an ordinance that would be viewable across multiple platforms (phone, tablet, computer).
- The question was raised as to whether the web version would become the official version? The answer to that is ultimately a decision of the Board, but the idea presented here would be that even if there is a printed version of the ordinance that is considered the official zoning ordinance, the web-based version would be an exact duplicate of that. Essentially, the web and paper versions would be different copies of the same document.
- There was consensus that the numbering system had to change to improve the navigability of the ordinance. Some suggested that the change could be even greater than that proposed in the

assessment. Once the zoning ordinance is removed from the City Code there are greater opportunities for a better numbering system and that numbering system no longer has to refer back to chapter 30, opening space for a more detailed numbering system.

- On the topic of using color, there was a reminder that the document still had to be readable if printed in black & white.
- There was support for the recommendation to use capitalization as would be grammatically correct in the ordinance, such as capitalizing Board of Aldermen and similar terms. This idea was cited as being important for readability and quick understanding.
- There was support for eliminating regulations in footnotes with recognition that there might still be footnotes where necessary for explanatory purposes.
- The group discussed the value of “defined” terms showing up in all-caps in the ordinance text and/or being hyperlinked to the definition every time they appear.
- One recommendation is for certain definitions for terms that only appear in one section to be defined in that section rather than in the separate definitions chapter. There was some discussion around doing both. The challenge raised by doing both is the risk that any alteration in a future amendment might be done to one and not the other.
- Strong support for tables, graphics. A question was raised about the use of photos, which can be used but do raise issues relative to finding photos that just show the intended point to be illustrated without showing extraneous information.
- A question was raised of why an index is not proposed, suggesting that the improved navigability of the document, as proposed, and the ability to use a searchable pdf may still not provide sufficient direction for some users seeking specific regulatory provisions.

### Chapter 3: Districts & Uses

- There was general consensus on a digital zoning map, both for ease of use and the ability to display the map in different ways that might be more useful to residents.
- There was much discussion around creating intent statements and illustrations for the existing zoning districts. For most these were considered to be phase 2 issues. For both the text and the illustration, it would be difficult to describe or depict one of these districts because they would not match most of what is actually “on the ground”, with so much of the City non-conforming with the zoning ordinance. Second, many of these districts are more than 50 years old with unclear original intentions. Given the policy issues that would potentially be raised in attempting to ascertain intent for these older districts, there was general consensus that this issue be taken up in phase 2.
- It was acknowledged that lack of intent statements is one of the key issues of the zoning ordinance.
- A use table will be very good to have.
  - There were not concerns with the idea that the table might have blanks in it to be completed in phase 2 – these would serve to highlight needed info or regulations.
  - Accessory apartments and home-based businesses might prove to be complex issues that do not lend themselves to the use table format.
  - Why not include the use tables with the articles defining the districts? – The main answer here is to avoid repetition. Uses appear in multiple districts, a single table should be able to govern them without having to appear in each district where the use is allowed. A single use table also makes it easier to quickly identify where a given use is allowed and where it requires a special permit or site plan review.
- Making the provisions in 30-15 more understandable and moving them to the more appropriate parts of the ordinance would be very beneficial.

#### Chapter 4: Development Standards

- It would be useful to identify questions or issues frequently raised at the counter and ensure these are illustrated.
- In discussion of moving some standards from the City Code to the zoning ordinance, one issue identified was the difference in the necessary vote to approve changes, 2/3 for zoning whereas only a simple majority for the City Code and this difference might be part of the reason some provisions are in the City Code.
- The applicability provisions would be useful and better understanding of these, through a more clear presentation, would support discussions in phase 2.
- A parking standards table is a welcome idea as is graphics explaining screening requirements.

#### Chapter 5: Process & Administration

- The idea of removing special permit review from the Board of Aldermen was raised, perhaps only sending larger projects to the Board. This issue is not a phase 1 issue.

#### **Advisory Group Members\***

Alan Schlesinger	Lisa Mirabile
George Mansfield	Paul Eldrenkamp
Greg Reibman	Terry Sack
Henry Finch	Thomas Greytak
Jay Walter	Verne Porter
Jen Molinsky	Alderman Vicki Danberg

*\* The Advisory Group is a collection of individuals. The comments provided above should not be taken as representing the collective opinions of the entire group but are instead the opinions of individuals participating in the meeting. When a consensus opinion is generated by the group, it will be noted as such in the meeting notes.*